

E-FILED: February 5, 2013

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SYNNEX CORPORATION,

No. C11-06601 HRL

Plaintiff,

**ORDER TO SHOW CAUSE RE:
FAILURE TO PROSECUTE**

v.

FLORIDA MICRO, LLC ET AL.,

Defendants.

Plaintiff Synnex Corporation (“Synnex”) sued Florida Micro, LLC (“Florida Micro”) in December 2011, alleging that Florida Micro breached an agreement to purchase about \$600,000 worth of electronic products from Synnex. Florida Micro has failed to appear or respond to the complaint. Although it appears that Synnex seeks a default judgment against Florida Micro, Synnex has not complied with this Court’s order to follow the procedural requirements for obtaining such a judgment. In March 2012, Synnex filed a “Declaration of Jeffrey M. Galen In Support of Request for Default Judgment.” (Dkt. 9). At the Initial Case Management Conference in June, the Court informed Plaintiff that Entry of Default is the essential first step in obtaining a default judgment for failure to respond. The Court ordered Plaintiff to file a request for Entry of Default. About two weeks later, Plaintiff filed a “Declaration of Simon Leung in Support of Request For Default Judgment.” (Dkt. 16). The second declaration does nothing to advance the case and Plaintiff has yet to request Entry of Default from the Clerk of Court.

Accordingly, Plaintiff's lead counsel shall appear *in person* on **February 19, 2013 at 10:00 am** in Courtroom 2, Fifth Floor, 280 South First St., San Jose CA 95113 and show cause, if any, why this case should not be dismissed for failure to prosecute. If, however, Plaintiff has requested Entry of Default or otherwise advanced the case, the Show Cause hearing will be automatically vacated. The motion styled "Declaration of Simon Leung in Support of Request For Default Judgment" is terminated.

IT IS SO ORDERED.

Dated: February 5, 2013



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

1 **C11-06601 HRL Order will be electronically mailed to:**

2 Jeffrey Michael Galen Jeffrey.galen@jgdlegal.com

3 **C11-06601 HRL Order was NOT electronically mailed to:**

4 Glenn D. Davis
5 Galen & Davis LLP
6 16255 Ventura Boulevard
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7 **Counsel are responsible for distributing copies of this document to co-counsel who have not**
8 **registered for e-filing under the court's CM/ECF program.**

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